IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 5893 of 2007**

**DATED: 23-3-2007**

**Between:**

M.Narasaiah petitioner

And

The APSRTC
Rep by its Regional Manager,
Nalgonda Region,
Nalgonda, Nalgonda dist & another Respondents

**THE HON'BLE SRI JUSTICE N.V.RAMANA**

**WRIT PETITION NO. 5893 of 2007**

ORAL ORDER:

This writ petition is filed seeking Writ of *Mandamus* declaring the action of the respondents in passing the impugned order dated 24.5.1995 imposing punishment of deferment of annual increment for a period of one year with cumulative effect.

The petitioner is working as a Conductor in the respondent-APSRTC. Disciplinary proceedings were initiated against him, alleging alteration of dates of discharge and date of joining. Having not satisfied with the explanation offered by the petitioner, an enquiry was ordered and the enquiry officer submitted his report dated 23.5.1995 holding the petitioner guilty of the charge. On the basis of the report submitted by the enquiry officer, without issuing a show cause notice, the impugned final orders dated 24.5.1995 were issued imposing the punishment of deferment of annual increment for a period of one year with cumulative effect.

Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that respondent No.2, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of one year with cumulative effect. He further submitted that the issue raised in this writ petition is squarely covered

by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that the second respondent after considering the entire material on record passed the impugned order and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*
>
> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 24.5.1995, passed by respondent No.2, imposing punishment of deferment of annual increment for a period of one year with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of

this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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**N.V. RAMANA, J.**

Date: 23.3.2007
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**THE HON'BLE MR JUSTICE N.V. RAMANA**

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